

Entered - 08-16-02 - sb  
CL 02L0590 - ALEXIS HOLMES

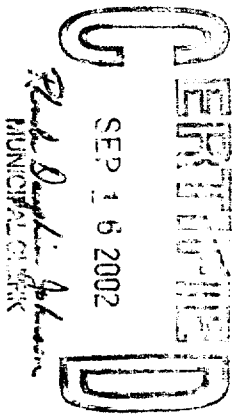
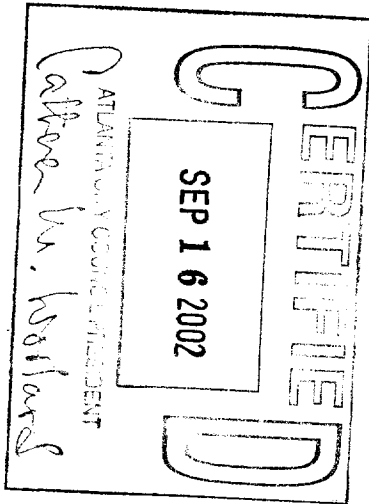
02-*R*-1523

CLAIM OF: **JOHN A. MCCORMACK**  
2890 Terrace Ridge Road  
Conyers, Georgia 30012-2656

For vehicle damages alleged to have been sustained as a result of driving his vehicle over a pothole in the road on July 8, 2002 at 3900 Crown Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSE REPORT  
CITY COUNCIL SEP 16 2002

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE

*9/10/02*

CHAIR

*[Signature]*  
*[Signature]*  
*C.T. Mant*  
*[Signature]*  
*[Signature]*  
*[Signature]*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

September 19, 2002

John A. McCormack  
2890 Terrace Ridge Rd.  
Conyers, GA 30012-2656

02-R-1523

Dear Mr. McCormack:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 16, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0590

Date: 08/29/02

Claimant /Victim JOHN A. MCCORMACK

BY: (Atty) \_\_\_\_\_

Address: 2890 Terrace Ridge Road, Conyers, Georgia 30012-2656

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 55.84 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 08/13/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/08/02 Place: 3900 Crown Road

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained vehicular damages when he ran over a pothole in the roadway. An investigation determined that the road where the claimant incurred damages is a Georgia State Department of Transportation road, and it is not the responsibility of the City of Atlanta. The claim has been referred to the Georgia State Department of Transportation, and the claimant has been advised to pursue resolution of his damages with the Georgia State Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written X Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

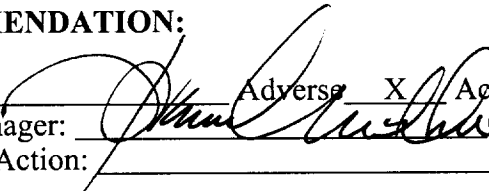
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08/29/02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3984  
9/16/02  
2:03 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-14; except 02-O-1591; 02-O-1592  
                                    02-R-1589; 02-R-1540; 02-R-1542  
                                    ADOPT

YEAS:    14  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT   1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

		09/16/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1453	43. 02-R-1509	45. 02-R-1502
2. 02-O-1586	44. 02-R-1510	46. 02-R-1503
3. 02-O-1496		47. 02-R-1504
4. 02-O-1389		48. 02-R-1505
5. 02-O-1390		49. 02-R-1506
6. 02-O-0791		50. 02-R-1511
7. 02-O-1258		51. 02-R-1512
8. 02-O-1298		52. 02-R-1513
9. 02-O-1391		53. 02-R-1514
10. 02-O-1395		54. 02-R-1515
11. 02-O-1450		55. 02-R-1516
12. 02-R-1535		56. 02-R-1517
13. 02-R-1541		57. 02-R-1518
14. 02-R-1546		58. 02-R-1519
15. 02-R-1526		59. 02-R-1520
16. 02-R-1527		60. 02-R-1521
17. 02-R-1528		61. 02-R-1522
18. 02-R-1529		62. 02-R-1523
19. 02-R-1530		63. 02-R-1524
20. 02-R-1531		64. 02-R-1525
21. 02-R-1532		
22. 02-R-1560		
23. 02-R-1561		
24. 02-R-1615		
25. 02-R-1563		
26. 02-R-1564		
27. 02-R-1565		
28. 02-R-1566		
29. 02-R-1568		
30. 02-R-1569		
31. 02-R-1570		
32. 02-R-1572		
33. 02-R-1573		
34. 02-R-1574		
35. 02-R-1487		
36. 02-R-1533		
37. 02-R-1557		
38. 02-R-1558		
39. 02-R-1559		
40. 02-R-1616		
41. 02-R-1507		
42. 02-R-1508		

Consent I Vote: 14 Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542